

## **October 6, 2008 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, October 6, 2008 at 6:00 P.M.**

**Council President Paul M. Rodrigues, Presiding, Arrives at 7:00 PM**

**Vice Chair Shirley R. Mello**

**Councillor Barbara A. Barrow, Arrives at 6:15 PM**

**Councillor Louis P. DiPalma**

**Councillor M. Theresa Santos**

**Councillor Edward J. Silveira, Jr.**

**Councillor Robert J. Sylvia, Members Present**

**EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5 (a) (2) litigation, (1) personnel (Town Administrator) and (2) Collective Bargaining (Public Works).**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to recess this meeting at 6:01P.M. and reconvene in executive session.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to reconvene this meeting in open session at 7:00 P.M.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**ACTING AS A BOARD OF LICENSE COMMISSION**

## **1. Public Hearing (Advertised)**

**Application of Aquidneck Package Store, Inc., dba Aquidneck Liquors holder of a Class A Alcoholic Beverage License for premises located at 15 East Main Road, Middletown, to TRANSFER 100% of stock in said corporation.**

**Public Hearing was declared open.**

**Peter Regan, Esquire, representing the applicant, addressed the Board, explaining this is a request to transfer 100% of stock of Aquidneck Package Store, Inc. Attorney Peter Regan and Mr. Champagne, the applicant, are available to answer any questions the Licensing Board may have.**

**There being no other persons present desiring to be heard on the matter, public hearing was declared closed.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license transfer contingent upon approvals from the Fire Marshall and surrender of the current license from Aquidneck Development Company, Inc.**

**Councillor Silveira recused himself from the following item of business, due to a possible conflict of interest.**

**2. Application of Saigon Café, Inc. dba Saigon Café holder of a Class BV Alcoholic Beverage License for premises located at 823 West Main Road, Middletown, to TRANSFER 100% of stock in said corporation. (Requires Advertising for Public Hearing)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to advertise said license application for a public hearing to be held at the November 3, 2008 regular meeting of the board.**

**3. Application of Aquidneck Health, LLC dba Newport Athletic Club holder of a Class BV Alcoholic Beverage License, to reclassify its current Retailer's Alcoholic Beverage License for premises located at 66 Valley Road, Middletown, Rhode Island, from Class BV (Full Service) to Class BL (Beer and Wine).(Requires Advertising for Public Hearing)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to advertise said license application for a public hearing to be held at the November 3, 2008 regular meeting of the board.**

**Councillor Silveira recused himself from the following item of business, due to a possible conflict of interest.**

**4. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2008-2009 licensing year. (Requires Advertising for Public Hearing)  
(See attached list)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the November 3, 2008 regular meeting of the board.**

### **CONSENT CALENDAR**

**Council requested that items (#2, #5, #6, #7 and #9) were to be heard under the rules of the Town Council portion of the docket.**

#### **1. Approval of Minutes – Regular Meeting, September 15, 2008.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.**

#### **2. Communication of City Clerk, City of Newport, with enclosure, re: Requesting the Town to adopt a resolution to persuade RIPTA to**

**maintain the current level of service.**

**Councillor DiPalma requested the Town to prepare a similar resolution for the October 20, 2008, regular meeting of the Council.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**3. Resolution from the City of Providence, re: Proclaiming the month of September “Ovarian Cancer Awareness Month”.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said resolution.**

**4. Memorandum of Town Administrator, with enclosures, re: Letter Opposing Offshore Wind Farms.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**5. Communication of Town Administrator, with enclosures, re: Tax Collector's report for period ending August 31, 2008.**

**Council President Rodrigues noted that his request to pull items #5 and #6 from the Consent Calendar was to review with the taxpayers tax collection rates including the effects of the economy.**

**Town Administrator Shawn Brown noted that there has been a decrease in the building permit fees and tax collections. There is no financial risk to the Town at this time.**

**Councillor Santos noted that several senior citizens expressing**



**concern with paying their taxes have approached her. Ms. Santos suggested to these senior citizens to pay their taxes on a monthly basis.**

**Councillor Silveira noted that for many years there has been a growth in our economy. The Town does have areas where there are increases in revenue.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication and report.**

**6. Communication of Town Administrator, with enclosures, re: Financial Statements for period ending August 31, 2008.**

**Council President Rodrigues questioned expenditures of the Tax Assessor.**

**Town Administrator Shawn Brown, responding to Council President Rodrigues inquiry, explained that the Tax Assessor's expenditure in question is due to the Vision Appraisal contract.**

**Council President Rodrigues inquired about the release of hard numbers from the refuse and recycling program.**

**Town Administrator Shawn Brown noted he has requested Will Cronin, Refuse & Recycling Coordinator, to prepare a report through the summer months, which will include hard numbers of residents who participate in the program and their location within the Town.**

**Council President Rodrigues suggests reviewing rates for bulky waste and yard waste.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**7. Memorandum of Town Administrator, with enclosures, re: New Middletown Police Station – Progress Report No. 3.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**Council President Rodrigues reviewed the report noting the project is moving along; however, is concerned with the change orders and requested a report supporting the change orders to be supplied to the Council at its next regular meeting, October 20, 2008.**

**Town Administrator Shawn Brown noted that many staff members review each change order before approval is given.**

**Chief Pesare addressed the Council noting that the soil must be kept**

on site and redistributed. If we truck it off site, we would have to retest the soil. The project is currently on track for June 2009 completion.

Councillor Sylvia questioned the bid alternate for sidewalks.

Town Administrator Shawn Brown, responding to Councillor Sylvia explained the sidewalks are being extended.

8. Memorandum of Town Administrator, with enclosure, re: Request from DEM Public Hearing.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

9. Application of Chris Semonelli, President of the Middletown

**Rotary, for Memorial Proposal to construction a sign at Linden School. (Requires review by the War Memorial/Hall of Fame Committee)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said application.**

**Chris Semonelli, President of the Middletown Rotary, addressed the Council noting that he has submitted a Memorial Proposal application requesting a sign be erected at the Linden School Park to recognize the Middletown Rotary. Mr. Semonelli explained the purpose of the Rotary noting several activities the Rotary performs for the community such as scholarships for children, parties for residents and purchasing water filters for villages in Cambodia.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to forward the application to the War Memorial/Hall of Fame Committee for review.**

**10. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of Bingo License for the 2008-2009 licensing year.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license renewal.**

**Councillor Silveiria recused himself for acting of the following two items of business #11 and #12, due to a possible conflict of interest.**

**11. Application of Blue Plate Diner, Inc. dba Blue Plate Diner, 665 West Main Road, for RENEWAL of Mechanical Amusement Device License for the 2008-2009 licensing year.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license renewal.**

**12. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2008-2009 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the November 3, 2008 regular meeting of the Council.**

## **TOWN COUNCIL**

**1. Application for Special Events Permit received from Alicia M. Hicks and Patrick Aylward, Thomas J. Burns 5K Run – 1.5-mile walk, Walk begins and ends at Middletown High School, Sunday, October 26, 2008 from 8:00 AM until 2:00 PM. Ms. Hicks requests the permit fee to be waived.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said Special Event Permit.**

**Alicia Hicks, 683 Aquidneck Avenue, applicant addressed the Council explaining the purpose of the Thomas J. Burns 5K Run – 1.5 mile walk. Ms. Hicks requested the permit and police detail fees be waived.**

**On motion of Councillor DiPalma, duly seconded, it was voted unanimously to waive the permit and police detail fees for the event.**

**2. Application of Sally Dwyer dba Beach House Newport, LLC., 42 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.**



**Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.**

**3. Application of Lisa Wakefield dba Scooby's Pizza, 1151 Aquidneck Avenue, for a Victualling House License for the 2007-2008 licensing year. (NEW)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.**

**4. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Oxbow Community)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**5. Resolution of the Council, re: Commendation for Danielle McCalla.**

**On motion of Councillor Silveiria, duly seconded, it was voted unanimously to pass said resolution, which was read and presented by Council President Rodrigues to Danielle McCalla.**

**6. Communication of Manuel J. Mello, Jr., Beacon Terrace, North, Middletown, re: Requests to discuss construction projects within the Town.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**Manuel J. Mello, Jr., 31 North Beacon Terrace, addressed the Council expressing concern with the Town projects being dug up after the project has been completed. Mr. Mello researched the projects and issued the Council a project handout entered here:**

**Mr. Mello expressed concern that taxpayers are paying too much money for the Town to redo Town projects.**

**Council President Rodrigues questioned the Birchwood project.**

**Town Administrator Shawn Brown responded that prior to commencing the Birchwood project, the telephone company was contacted and responded to the Town that there were not issues within the Birchwood area. The Town is placing a claim against the phone company for work having to be redone.**

**7. Communication of Town Administrator, with enclosures, re:**

**Award of contract for Engineering Services, Marshall Village Pump Station.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**The proposal referenced in the above communication is on file in the Office of the Town Clerk.**

**8. Resolution of the Council, re: Approving award of contract for Engineering Services, Marshall Village Pump Station.**

**Town Administrator Shawn Brown explained the evaluation is for the pump system and will indicate what is needed for the pump station to be more efficient.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.**

**9. Memorandum of Town Administrator, with enclosures, re: Surplus Property.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**10. Resolution of the Council, re: Declaring Surplus Property.**

**Town Administrator Shawn Brown noted the surplus is only the contents of the Linden School building. All items of interest will be sold and the remainder of the contents will be disposed.**

**On motion of Vice Chair Mello, duly seconded, it was voted**

**unanimously to pass said resolution.**

**11. Memorandum of Town Administrator, with enclosures, re: Review of Alcohol Ordinances.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor DiPalma expressed concern with the total number of alcohol incidences on the beach and suggested better signage in the area.**

**Chief Pesare believes it is not a signage issue; it is an enforcement issue and requests the review of the current alcohol ordinance. The department has been working with Lori Verderosa, Substance Abuse Task Force Coordinator, on the alcohol issue, which includes education of the public.**

**Lori Verderosa, Substance Abuse Task Force Coordinator, addressed the Council noting there is a media campaign that is part of the grant that will enforce the signs and will educate the residents.**

**Councillor Sylvia requests that the new ordinance include a portion of the fine be dedicated to education.**

**It was the consensus of the Council to have the Solicitor review the Town's existing alcohol related ordinances and consider proposed changes in penalties.**

**12. Communication of Councillor Santos, Representing the War Memorial/Hall of Fame Committee, with enclosures, re: Plaque dedicated to the Kempenaar Family at the New Police facility.**

**Councillor Santos reviewed her communication noting the plaque will**

**be hung in the vestibule leading into the community room of the New Police Station.**

**Chief Pesare noted that all the plaques hung in the current Police facility will be on display in the New Police Station.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve the Kempenaar Family plaque.**

**13. Communication of Jimmy Winters and Joyce Williams, Newport County NAACP, re: Request for support by placing an ad in the Anniversary Souvenir Booklet for Newport County NAACP Branch's 89th Annual Awards Dinner.**



**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$125.) in the Anniversary Souvenir Booklet to be appropriated from the Council President's Discretionary Fund.**

**14. Appointment of one (1) member to the Middletown Tax Assessment Review Board to complete a term expiring October 2011.  
(Bi-partisan Board)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to appoint Ron Pearl to the Middletown Tax Assessment Review Board to complete a term expiring October 2011.**

**Councillor Silviera recognized Christine Callahan for her years of service on the Middletown Tax Assessment Review Board.**

**PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**Town Clerk**

**Antone Viveiros, 110 Indian Hill Road, expressed concern with the intersection at Green End Avenue and Valley Road noting poor traffic flow in that area.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 8:20 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**